

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

Case Addendum

One Year Statute Date: October 26, 2011

INTERNAL AFFAIRS BUREAU INVESTIGATIVE REPORT

CONFIDENTIAL

IAB # SH2276274

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY ADDENDUM
IAB# SH2276274

INVOLVED DEPUTY: Deputy Gonzalo Inzunza #[redacted]
Century Station

LOCATION: [redacted] Abbott Road, Lynwood

INCIDENT DATE: October 27, 2010

PRIMARY INVESTIGATOR: Sergeant Chad Smeltzer

ADDENDUM SUMMARY

The purpose of this addendum is add documentation to the shooting review under IAB case #SH2276274. The documents came to the investigator after the case was submitted. The addendum is to be added to the original case file for documentation purposes.

EXHIBITS (CONTINUED)

H Copy of returned registered letter to [redacted]

I Additional medical records from Saint Francis Hospital

J District Attorney Letter of Opinion, dated February 8, 2011

ACTIVITY LOG

INVESTIGATOR'S LOG

FILE NUMBER:	SH2276274
INVESTIGATOR:	C. Smeltzer
DATE DEPARTMENT BECAME AWARE OF ALLEGATION(S):	10-27-10
DATE IAB INVESTIGATION INITIATED:	10-27-10
DATE SENT TO ADVOCACY UNIT:	
DATE RETURNED FROM ADVOCACY UNIT:	
DATE FORWARDED TO FORCE OR RISK REVIEW:	3-2-11
DATE RETURNED FROM FORCE OR RISK REVIEW:	
DATE TO DIVISION:	
DATE RETURNED TO IAB:	

DATE	SUMMARY	NAME
10-27-10	Case assigned as a result of a DIS roll out.	CES
10-29-10	Received Audio disc from Det. Hall. Sent six interviews out for transcription.	CES
11-01-10	Sent additional six interviews out for transcription.	CES
11-04-10	E/M homicide detectives regarding any available reports, photos, radio traffic file.	CES
11-10-10	Received copy of Det. Hall's report, envelope containing photos and Wav files.	CES
11-15-10	Uploaded discs to electronic case file.	CES
11-16-10	Picked up reports from Century Station related to incident.	CES
11-22-10	Received Homicide case disposition memo and crime scene supplemental report.	CES
12-01-10	Began editing Dep. Inzunza's Homicide transcript.	CES
12-02-10	Finished editing Dep. Inzunza's Homicide transcript.	CES
12-07-10	Interview schedule attempts for Inzunza, Curko and Spencer. Requested additional radio traffic CD's from SCC.	CES
12-08-10	Dep. Inzunza transcript sent via E/M to G&S. Picked up radio traffic CD from SCC.	CES
12-12-10	Edited Homicide interview transcripts for Dep. Curko and Dep. Spencer and E/M to G&S.	CES

DATE	SUMMARY	NAME
12-13-10	Interview date set for Inzunza, Curko, and Spencer for 12-29-10.	CES
12-28-10	Question prep for interviews of Inzunza, Curko and Spencer.	CES
12-29-10	Interviews of Deputies Inzunza, Spencer and Curko. Uploaded interviews to Dictaphone for job numbers. Homicide book to be complete by end of the day per Det. Biddle.	CES
12-30-10	Uploaded interviews from 12-19-10 to W/C via FTP site for transcription.	CES
12-31-10	Picked up copy of Homicide shooting review Power Point presentation from Homicide desk.	CES
01-03-11	Completed 438A.	CES
01-05-11	Received the Homicide investigation book from Lt. Gallagher.	CES
01-12-11	Contacted Sgt. Hall re: potential witness issue.	CES
01-13-11	Drove to [redacted] Abbott Rd, to contact residents as potential witnesses. No response	CES
01-14-11	Drove to [redacted] Abbott Rd, to contact residents as potential witnesses. No response at door, business card was left.	CES
01-17-11	Worked on summary.	CES
01-18-11	Drove to [redacted] Abbott Road, to contact residents as potential witnesses. No response at the door, business card was left. Registered letter was sent to Mr. [redacted].	CES
01-19-11	Finished summary.	CES
01-20-11	Sent radio traffic out for transcription via Dictaphone. Stacked case and submitted to Lt. Ault.	CES
01-21-11	Received radio traffic transcripts via E/M.	CES
01-24-11	Edited radio traffic transcription.	CES
01-25-11	Received photo copy of certified mail receipt to [redacted]. Submitted case to Lt. Ault for review.	CES
01-26-11	Corrections made and resubmitted to Lt. Ault for review.	CES
02-09-11	Certified letter to [redacted] returned unclaimed.	CES
02-10-11	[redacted]	CES

DATE	SUMMARY	NAME
02-12-11	[redacted] Subject [redacted] signed medical release, but would not participate in an interview.	CES
02-14-11	Requested and picked up medical records from Saint Francis Medical Center.	CES
02-16-11	V/M to [redacted] at Saint Francis re: photos of injuries. No response. Called a second time, but did not leave V/M	CES
02-17-11	Called [redacted] at St Francis. No answer and V/M box was full, could not leave message. Sent second fax inquiring re: GSW photos. Ms. [redacted] returned my call and said the hospital had no photos of the GSW.	CES
02-22-11	Spoke with Sgt. Hall re: [redacted] medical records.	CES
02-24-11	EFRC presentation.	CES
02-28-11	D.A. Letter of Opinion received.	CES
3/1/11	Approved	

EXHIBITS

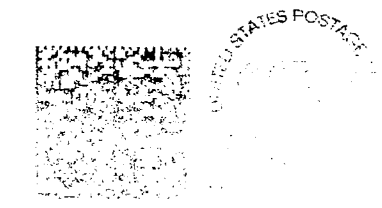
EXHIBIT H

SHERIFF'S DEPARTMENT
INTERNAL AFFAIRS BUREAU
4900 SOUTH EASTERN AVENUE, SUITE 100
COMMERCE, CALIFORNIA 90040

CERTIFIED MAIL™

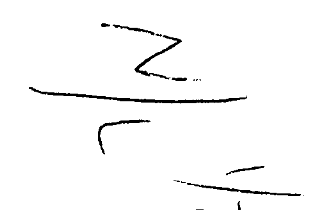


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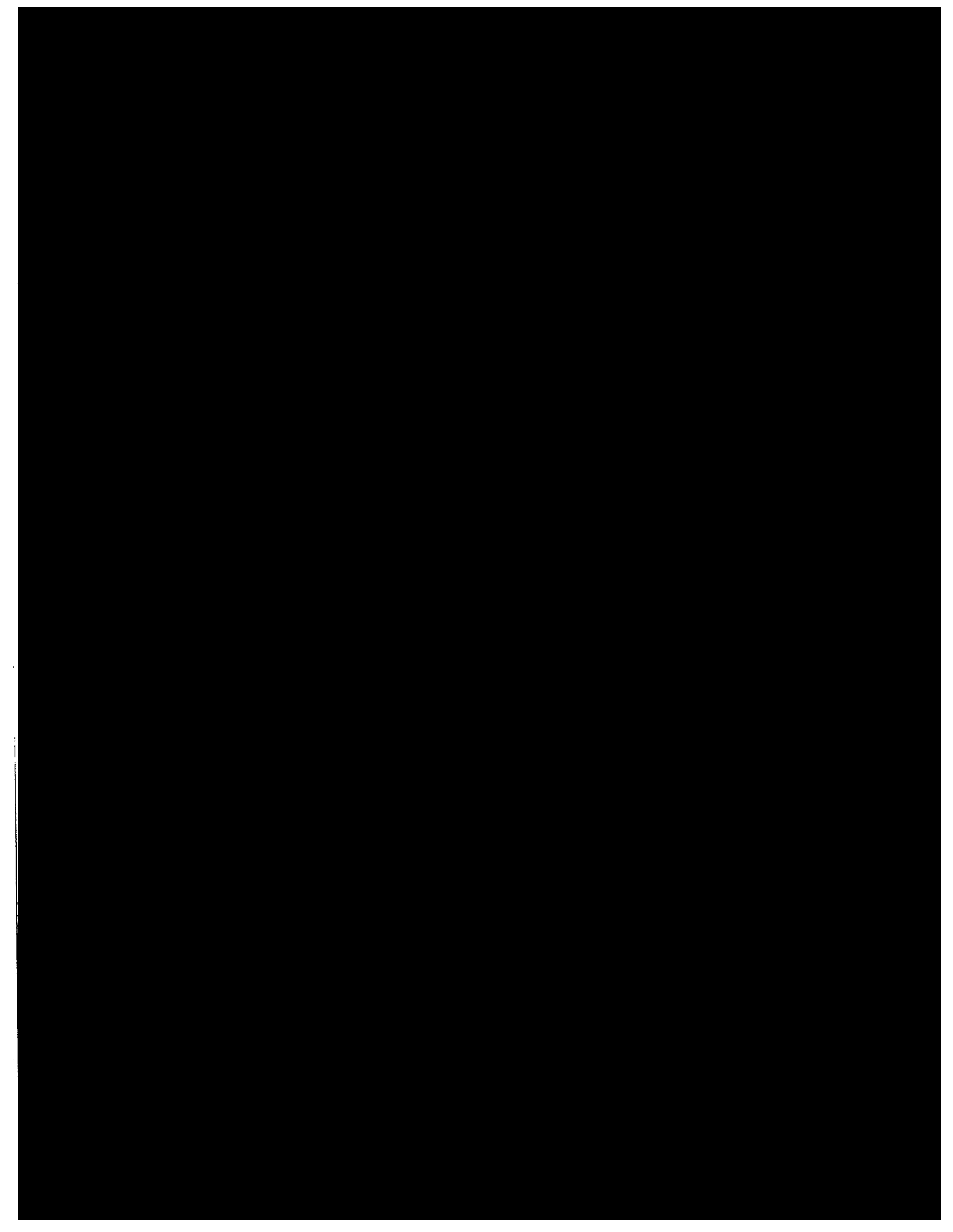
PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

SENDER: *COMPLETE THIS SECTION*	***COMPLETE THIS SECTION ON DELIVERY***
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature X ☐ Agent ☐ Addressee B. Received by (*Printed Name*) C. Date of Delivery
1. Article Addressed to: [redacted]	D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☒ No
	3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.
	4. Restricted Delivery? (*Extra Fee*) ☐ Yes
2. Article Number (*Transfer from service label*)	[redacted]

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

EXHIBIT I

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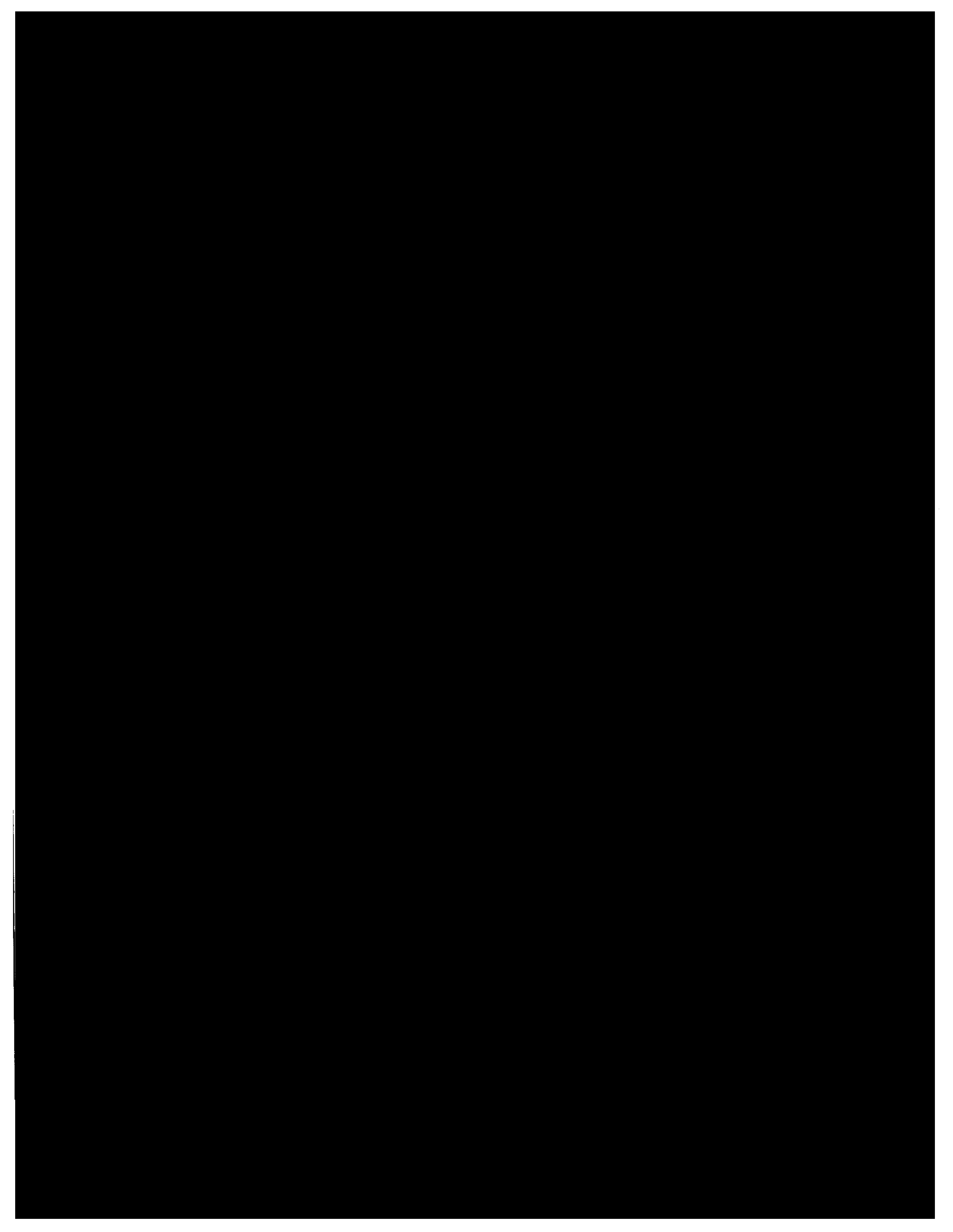
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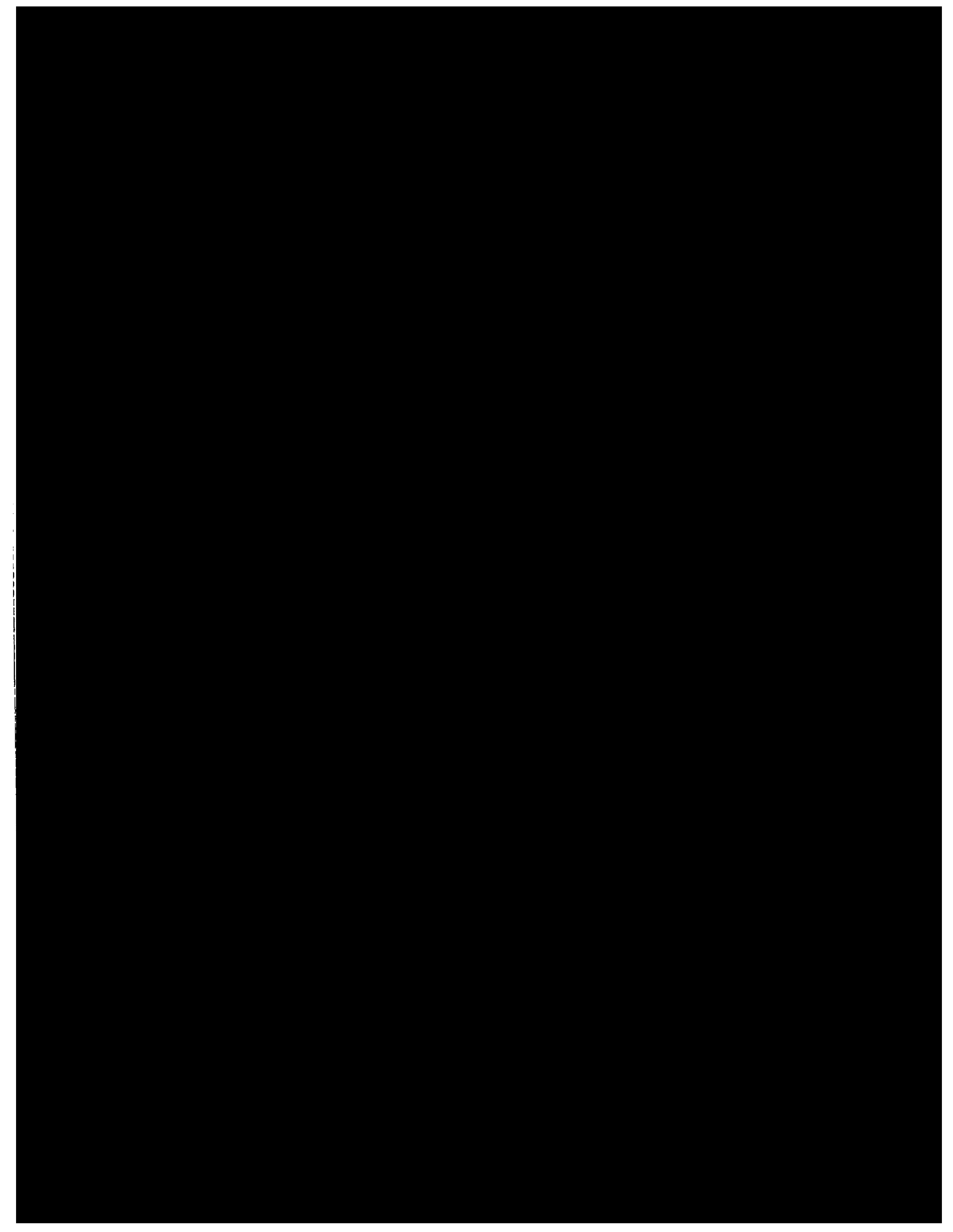
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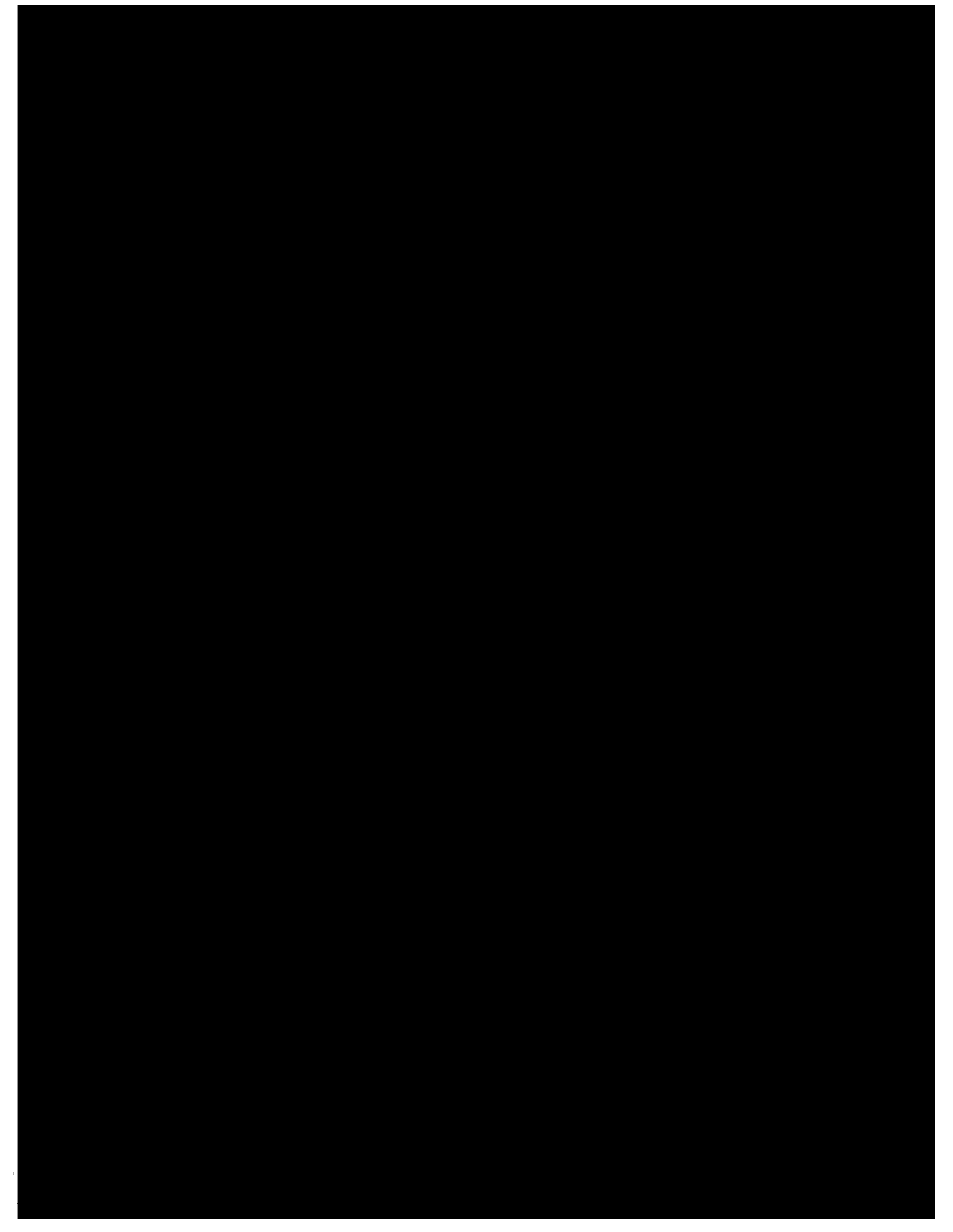
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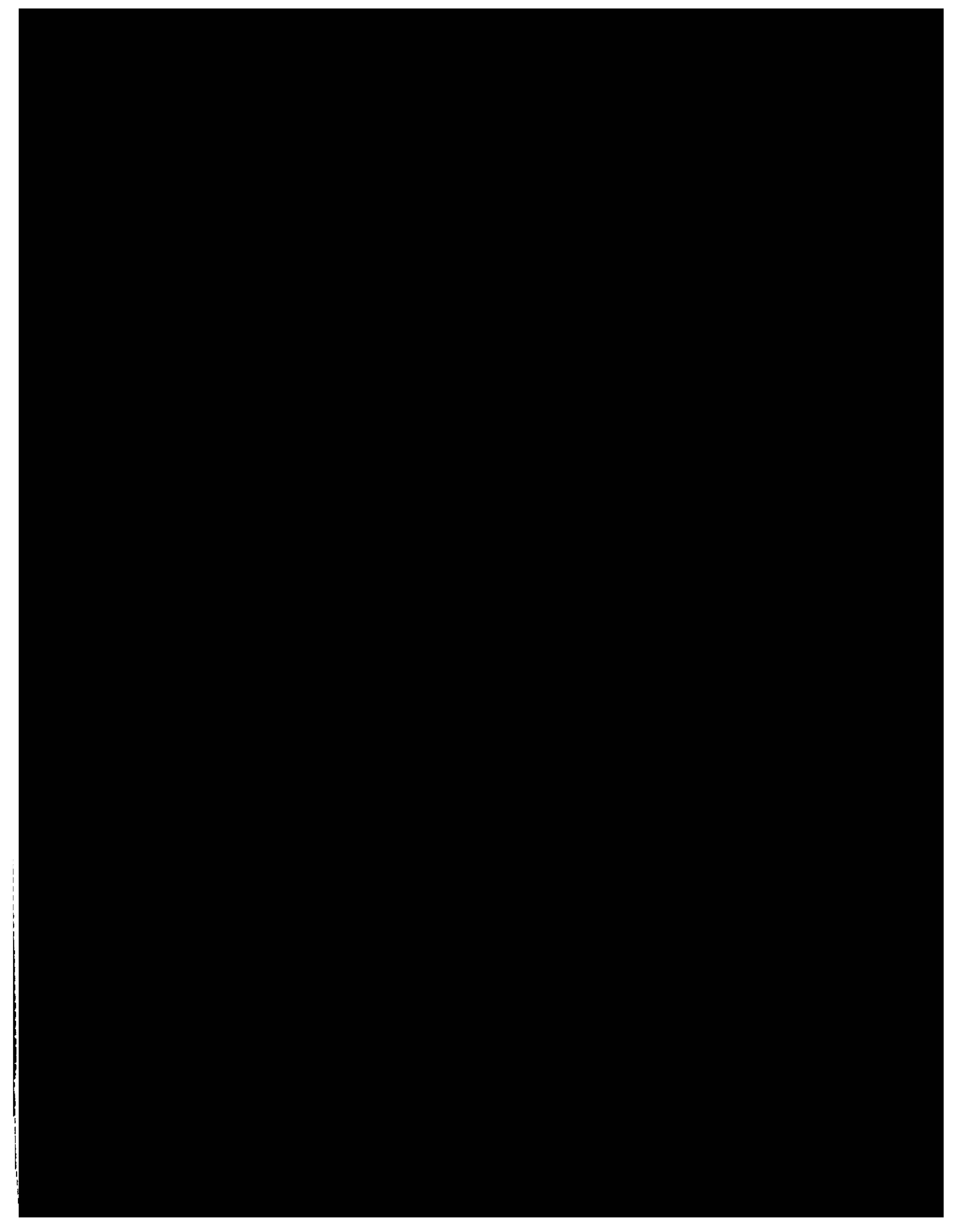
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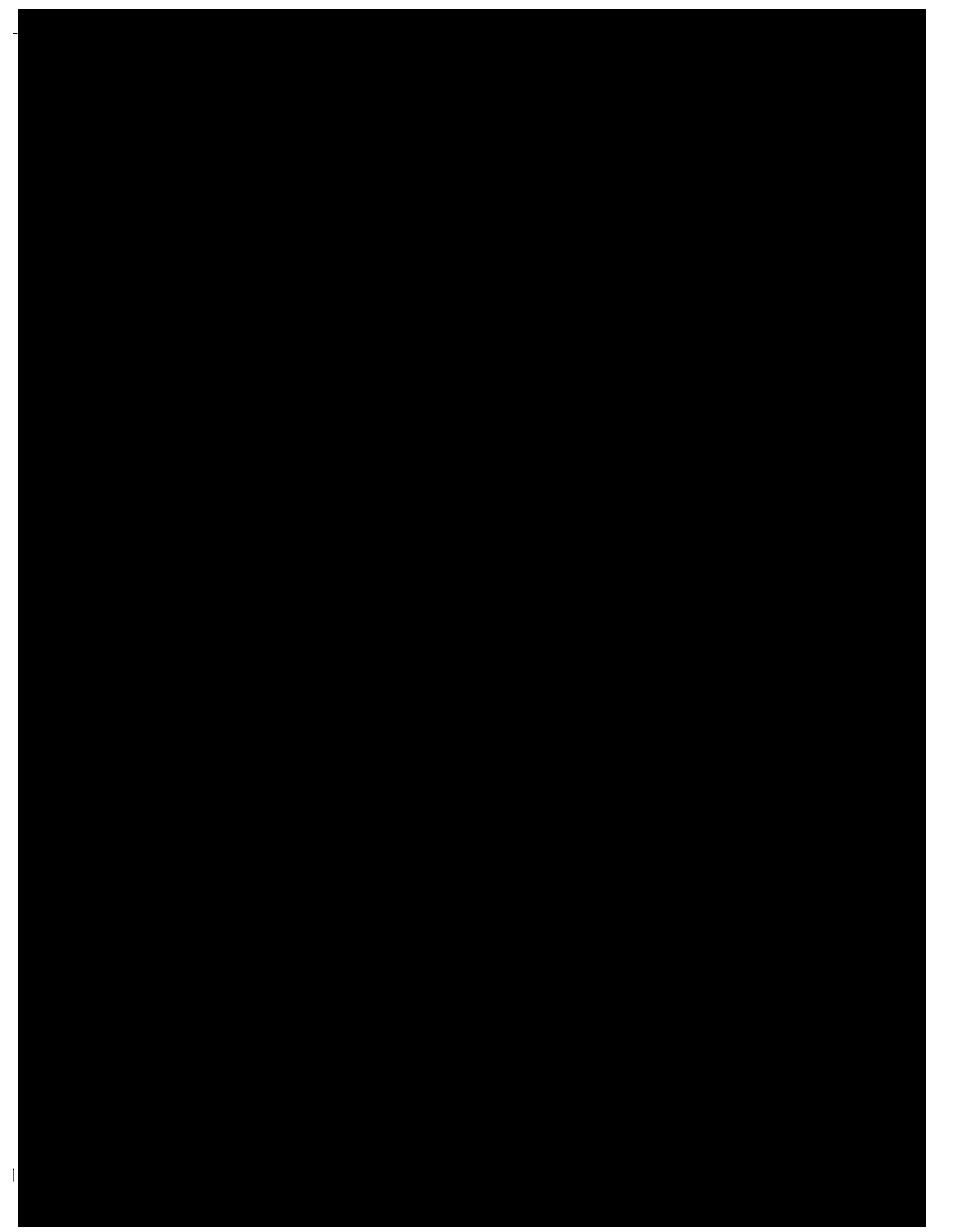
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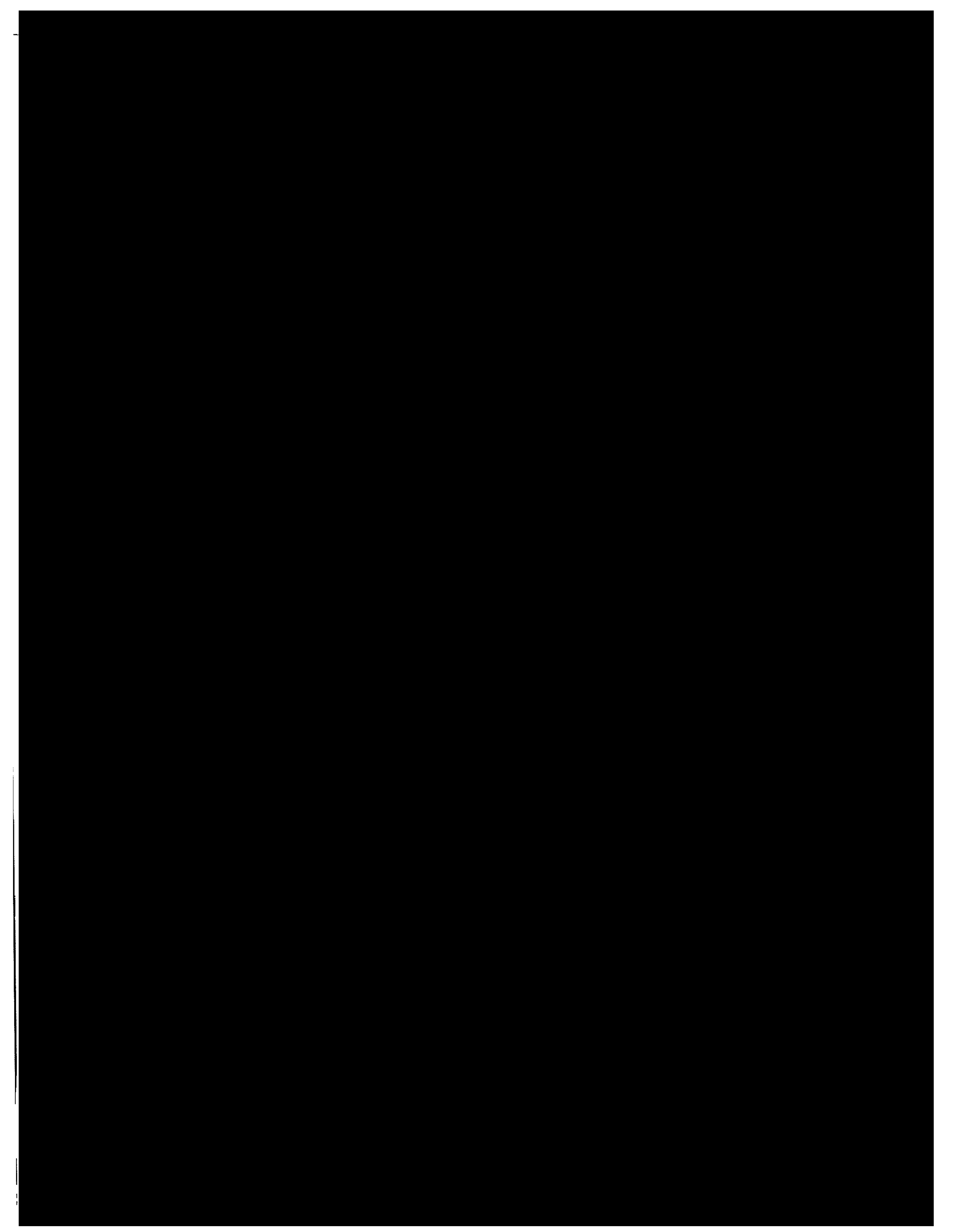


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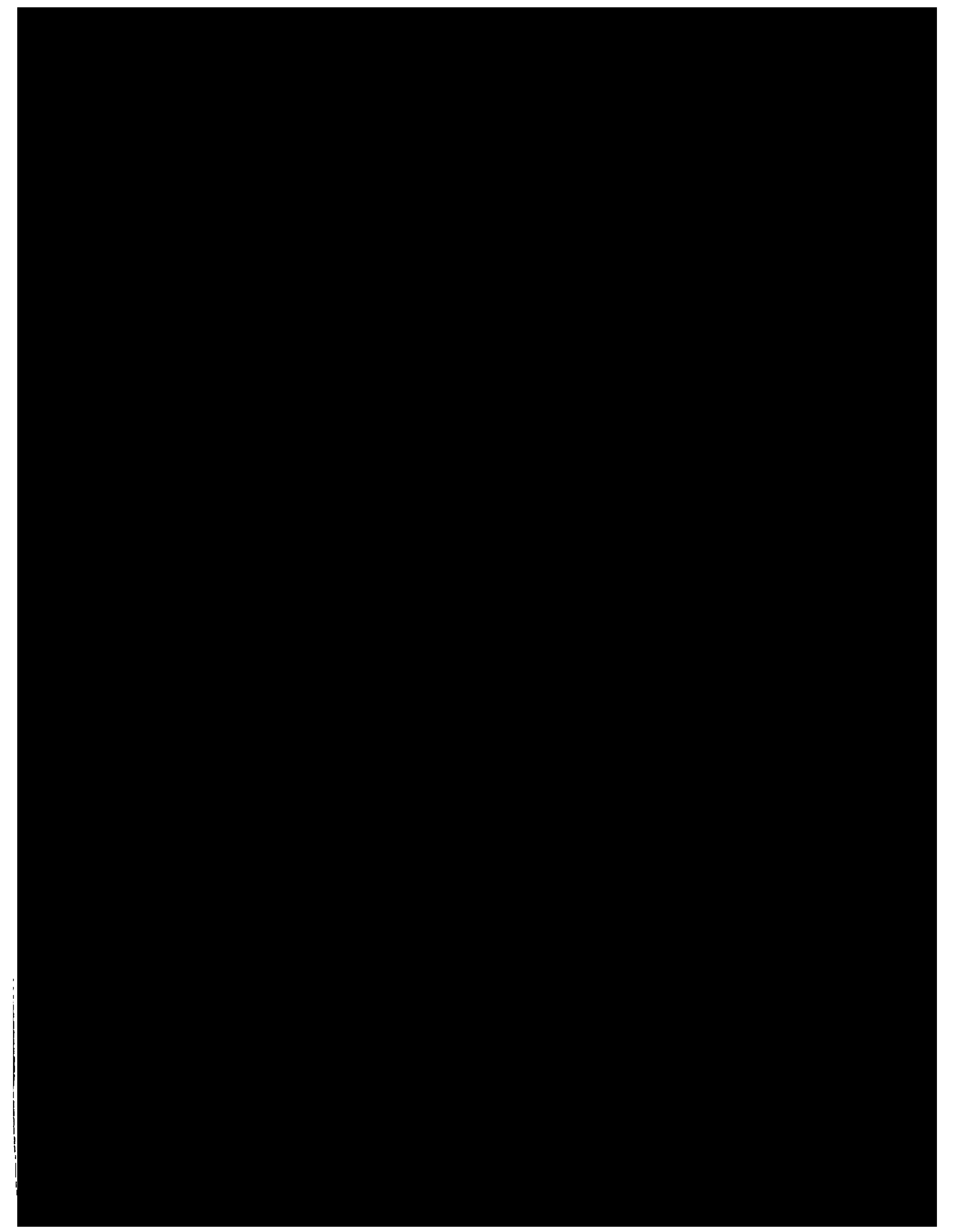
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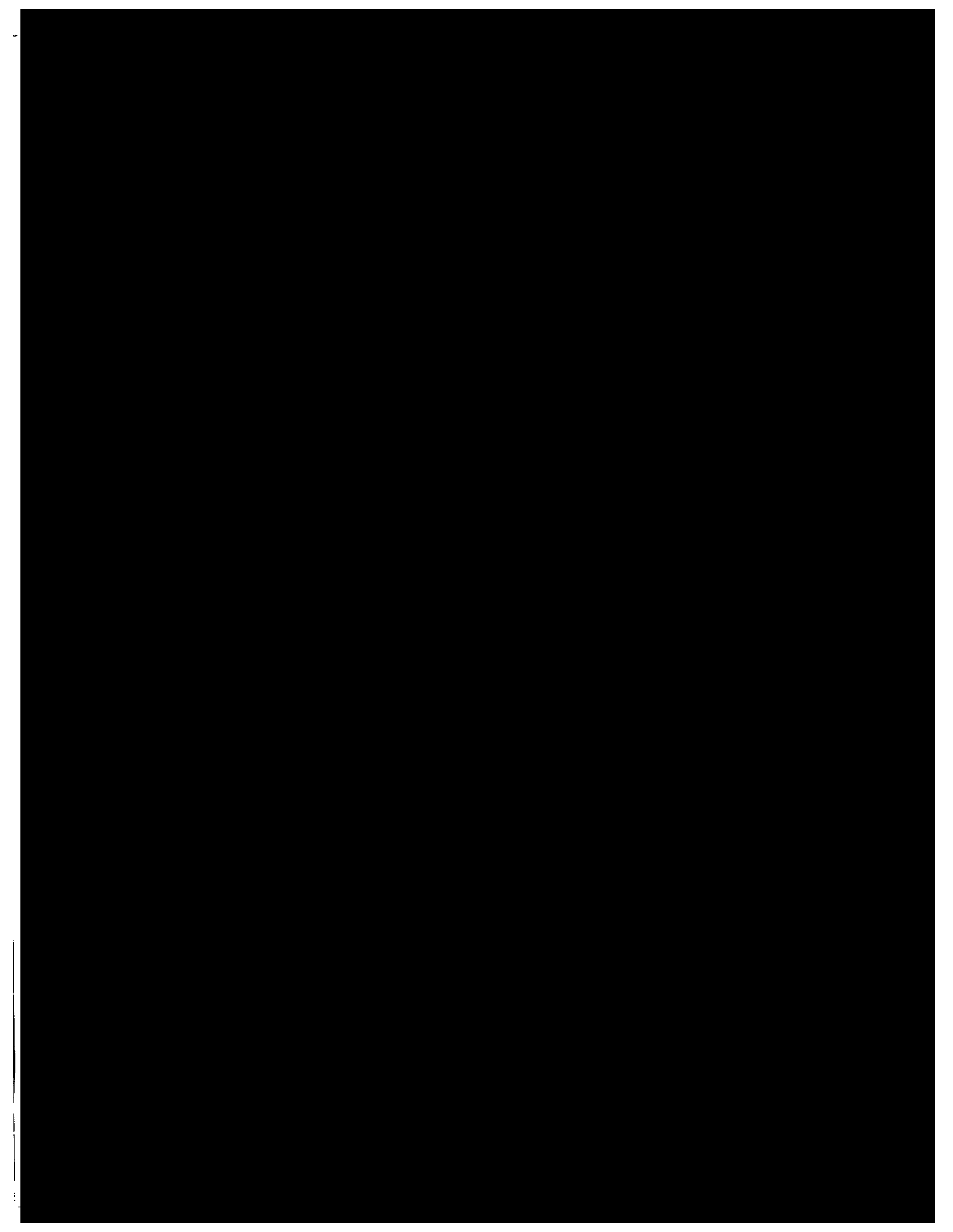
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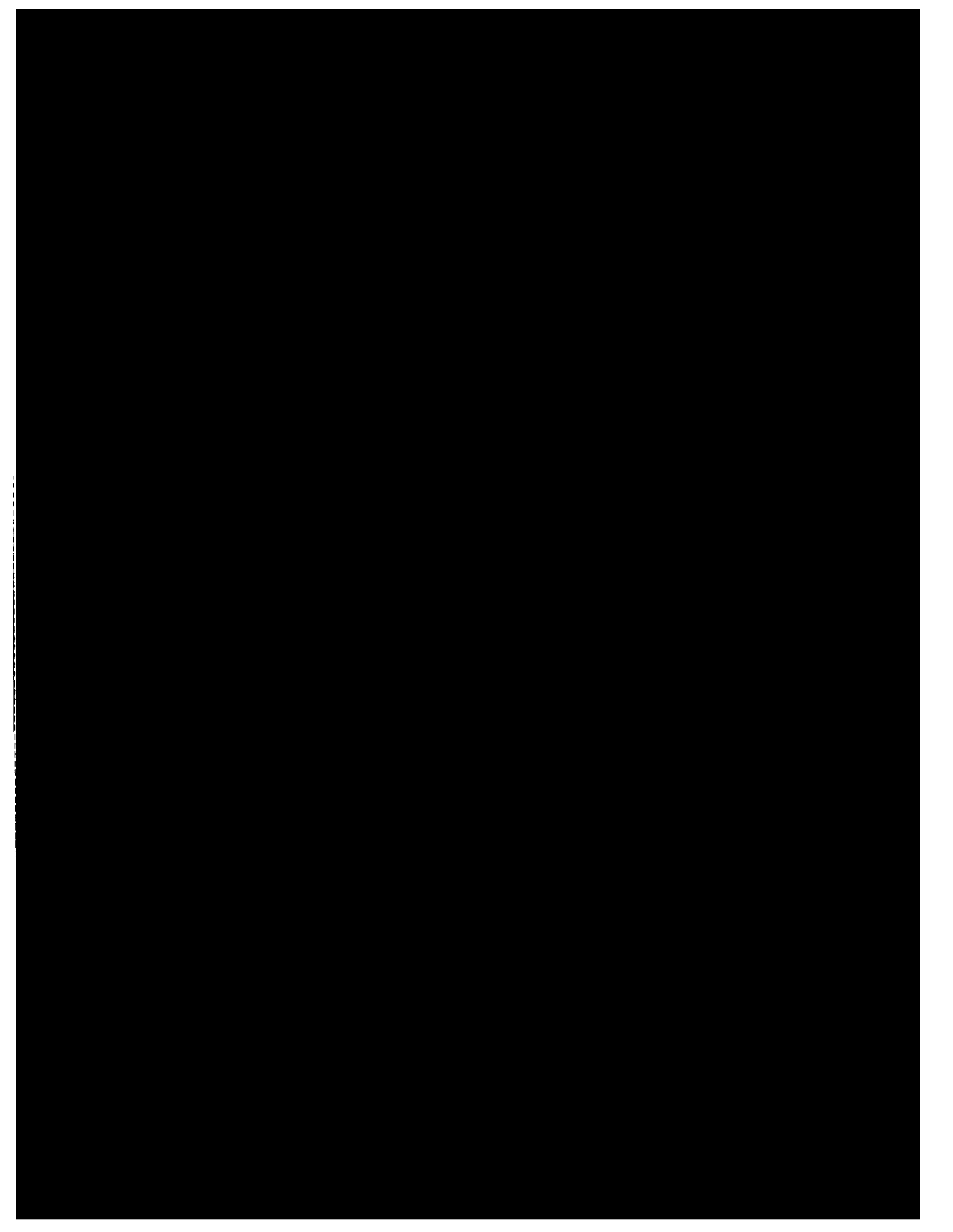
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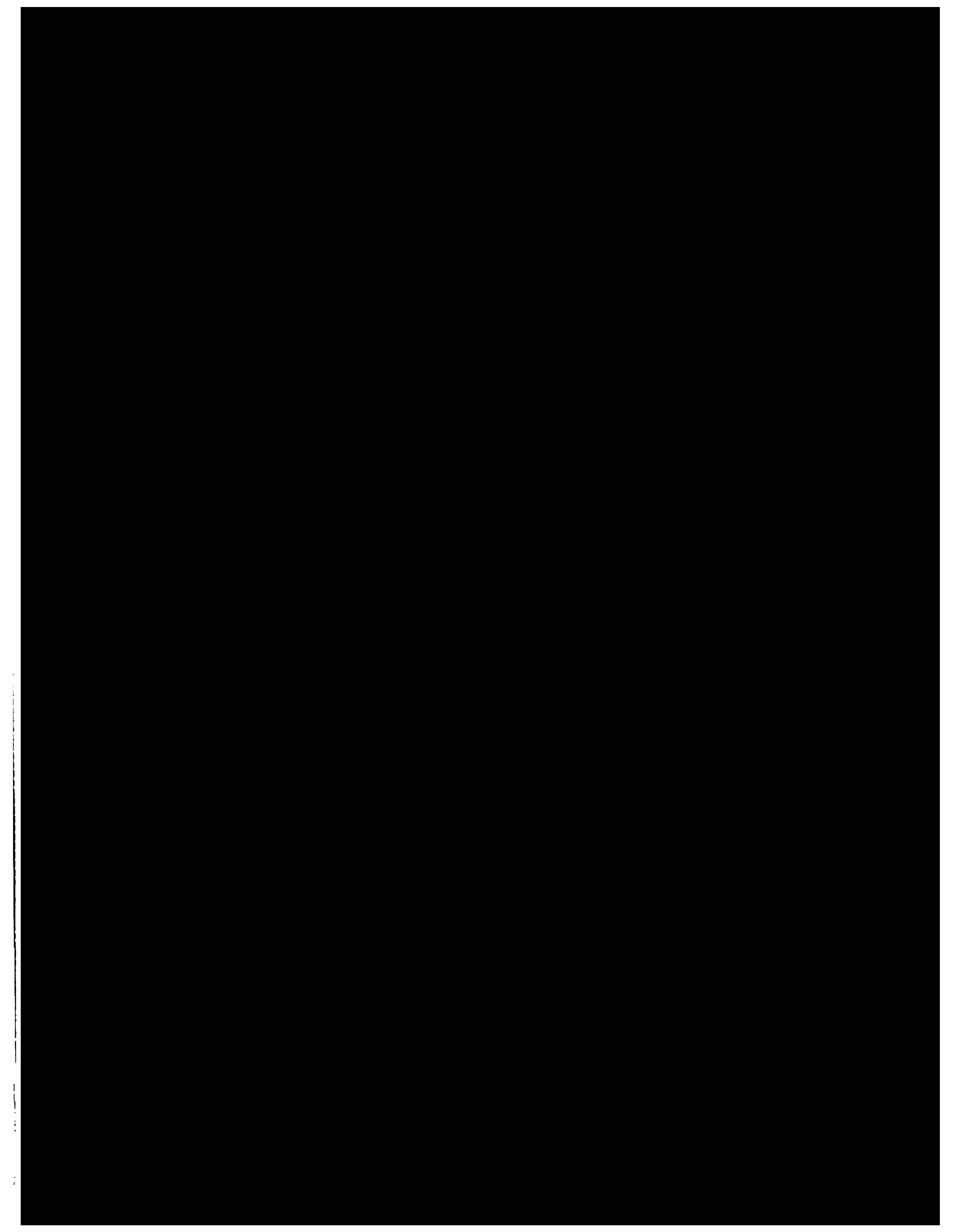


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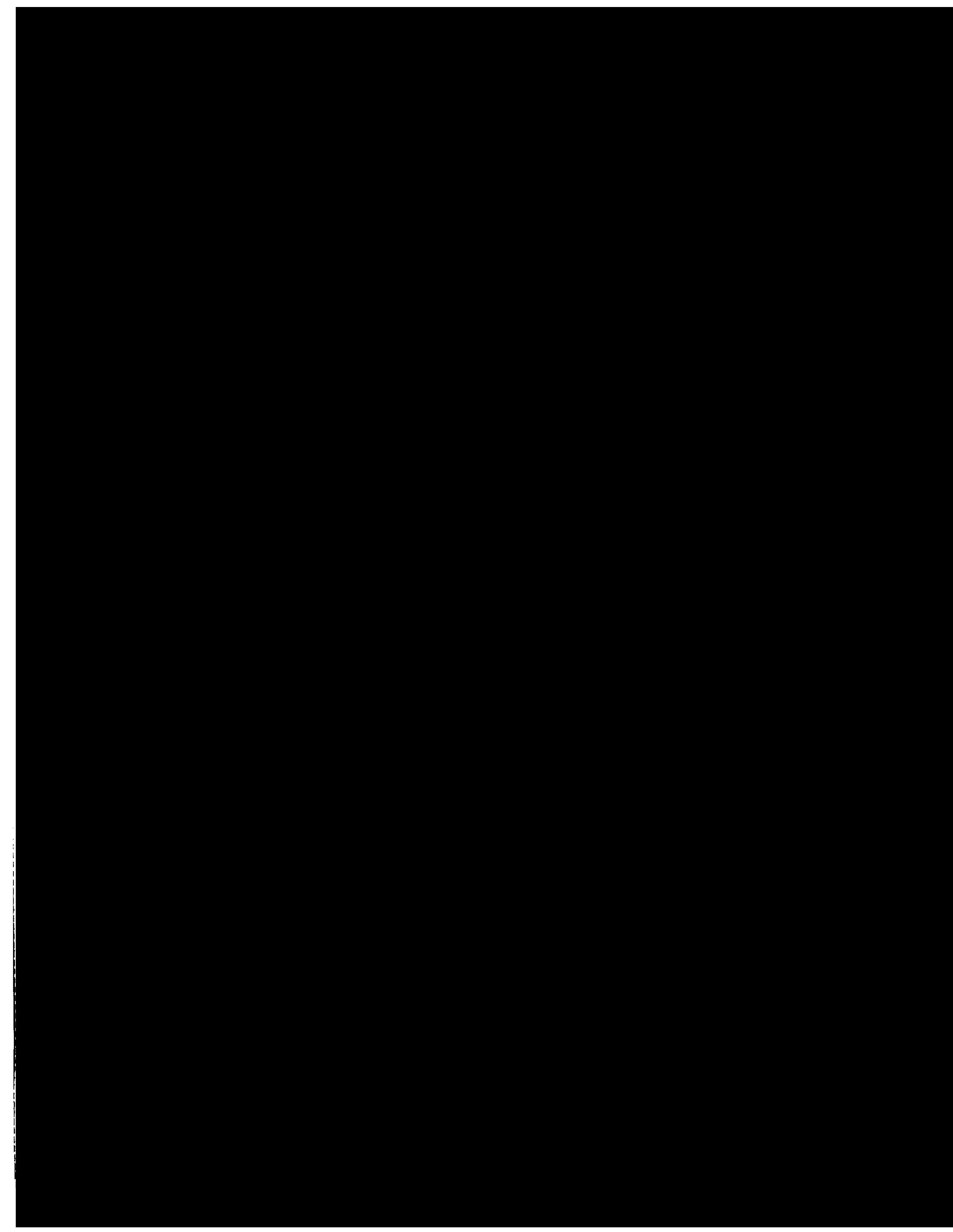
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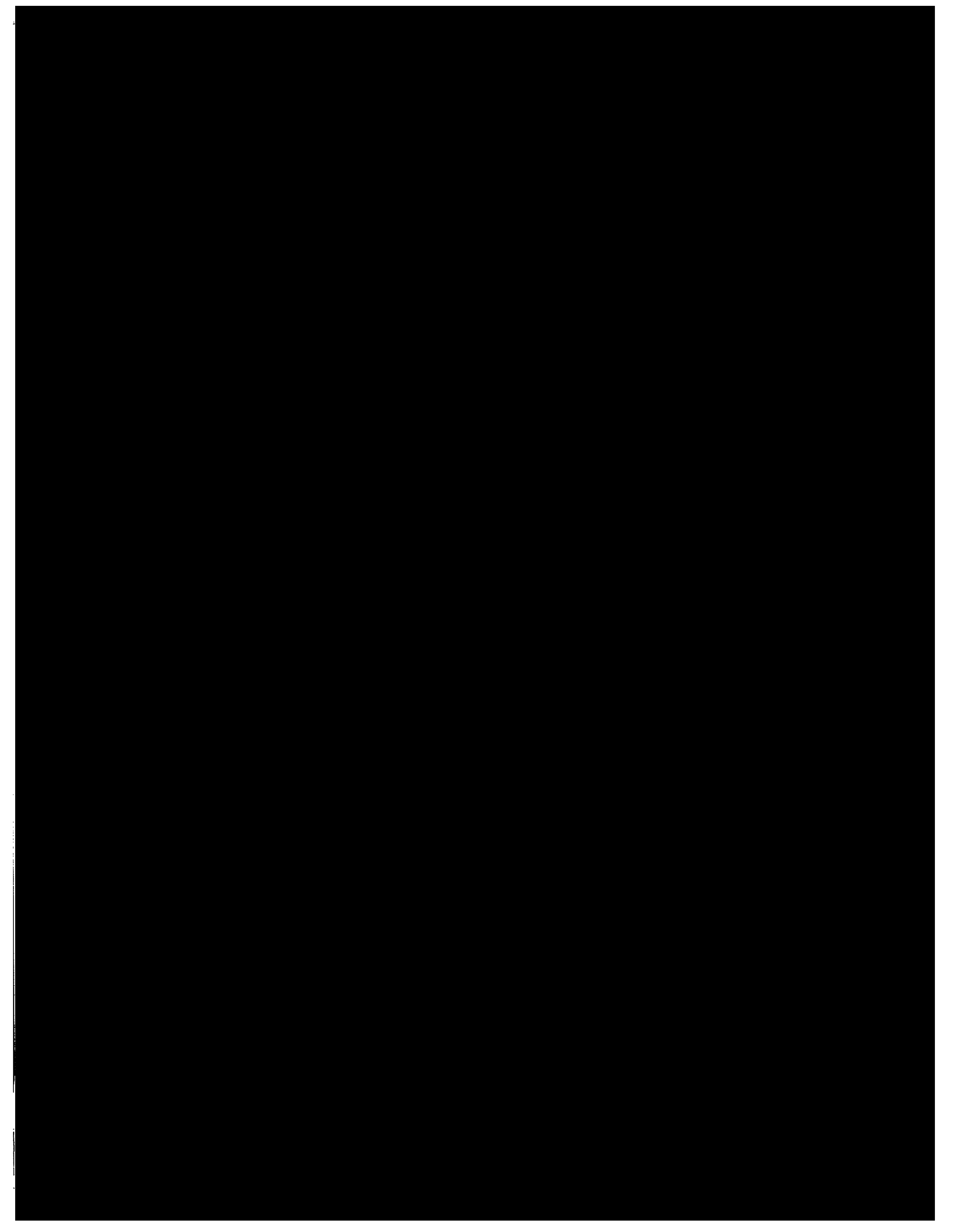
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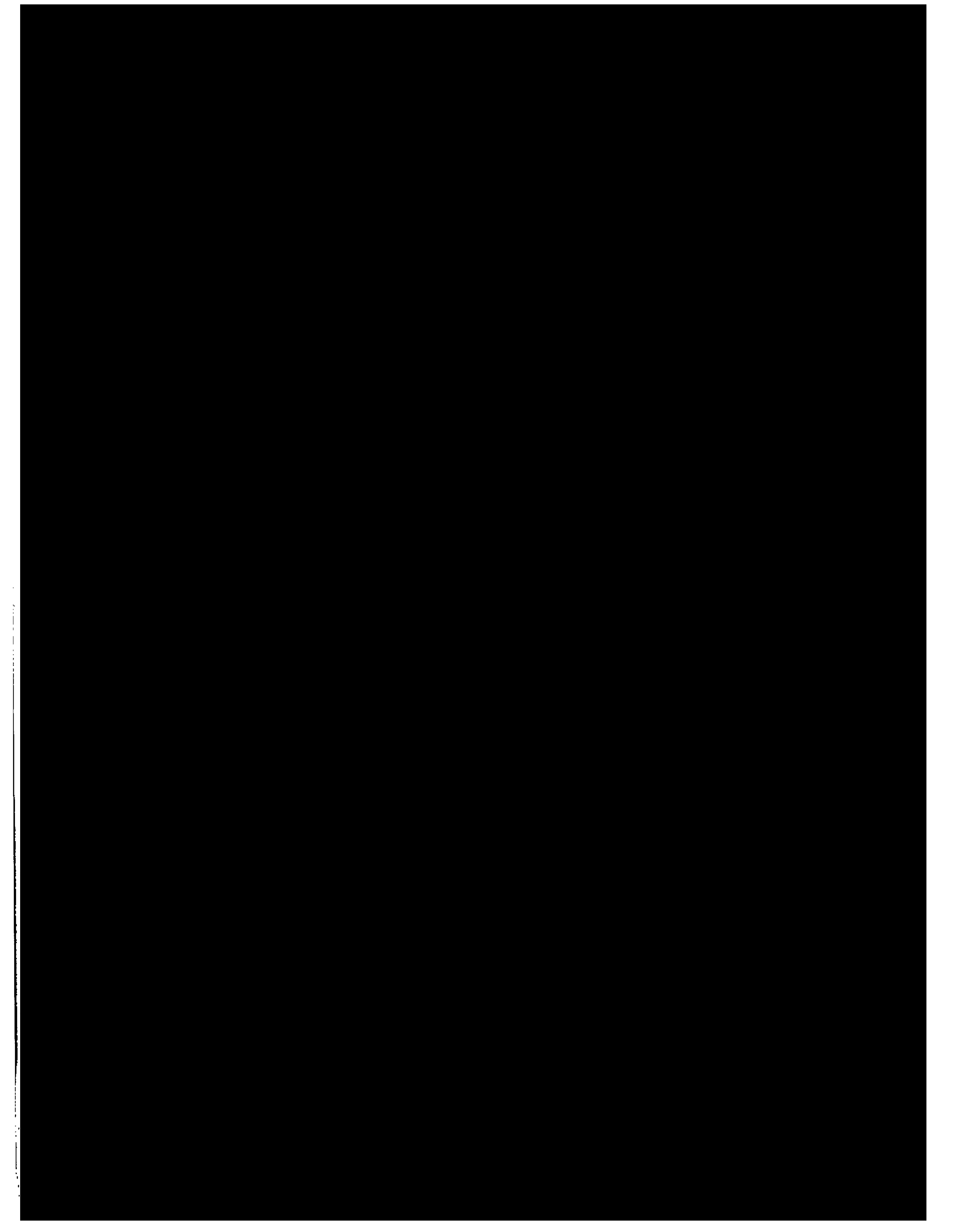
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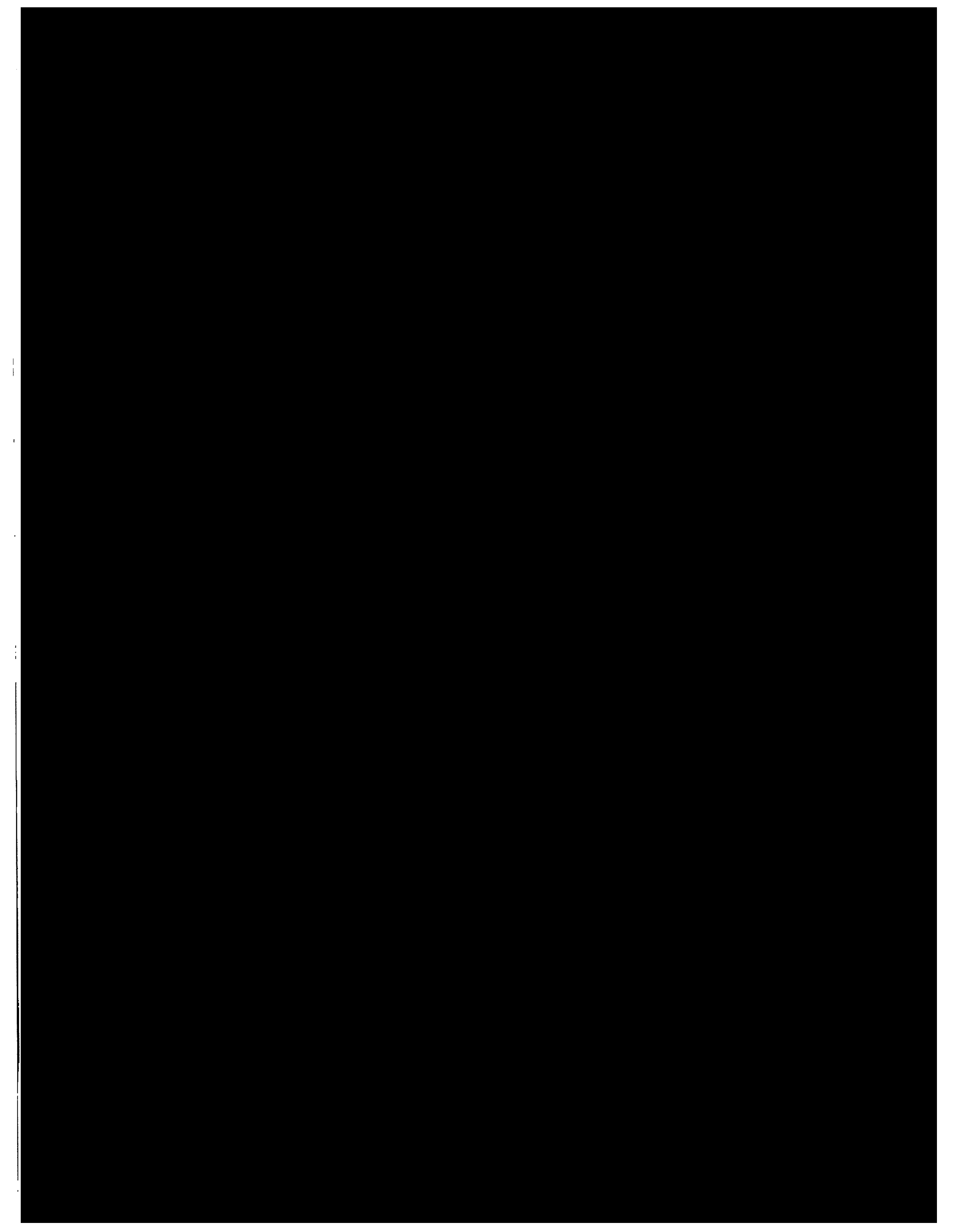


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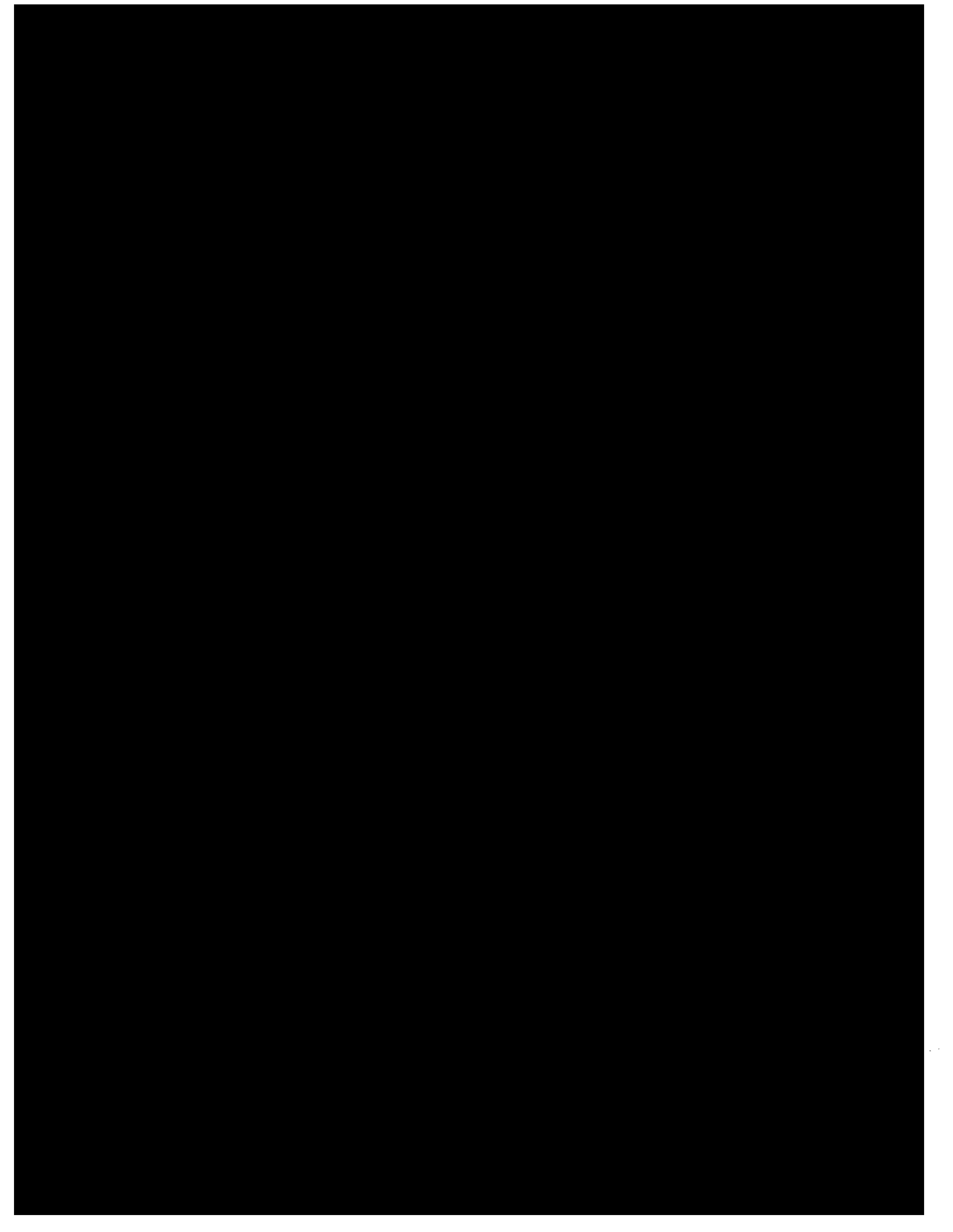


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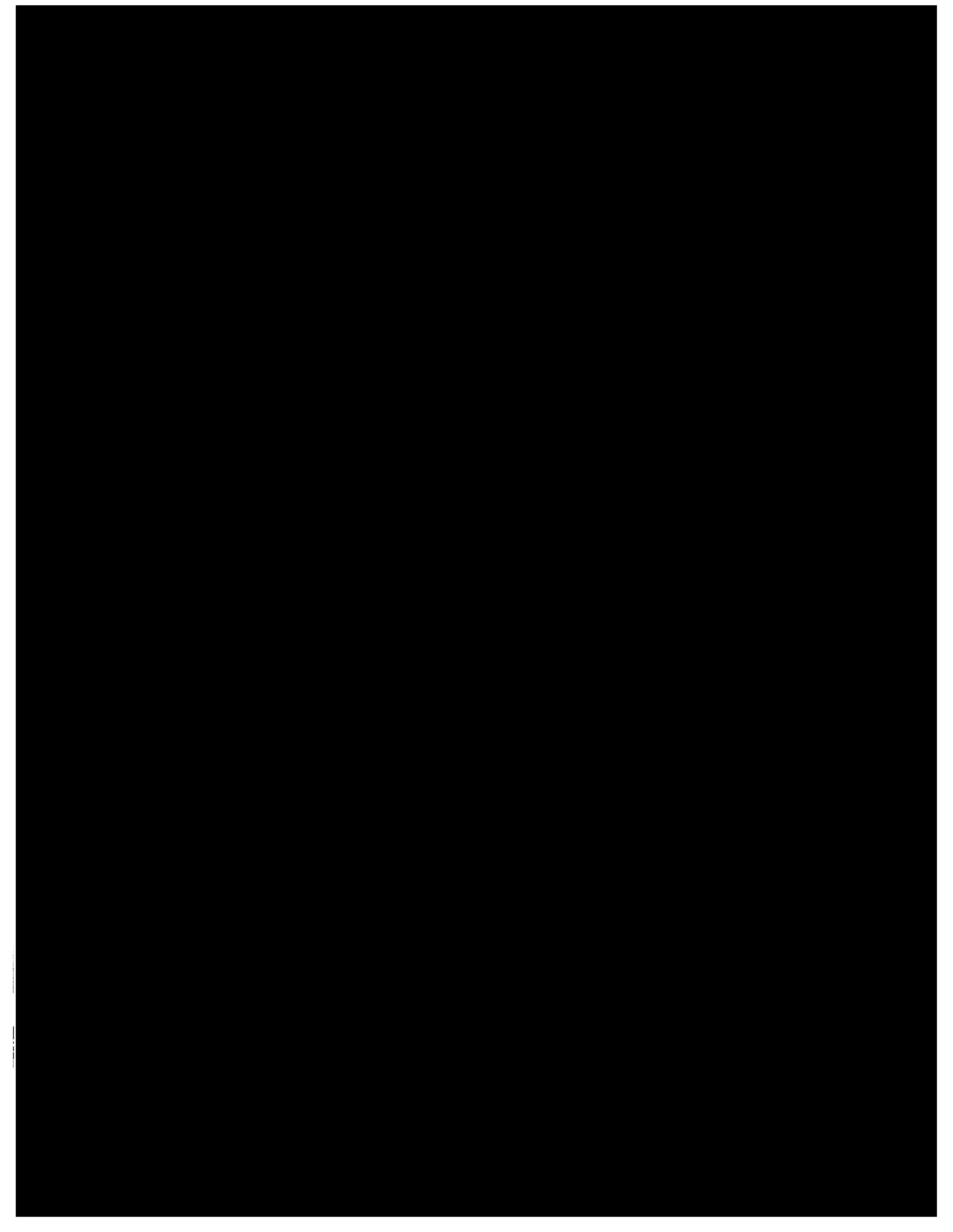
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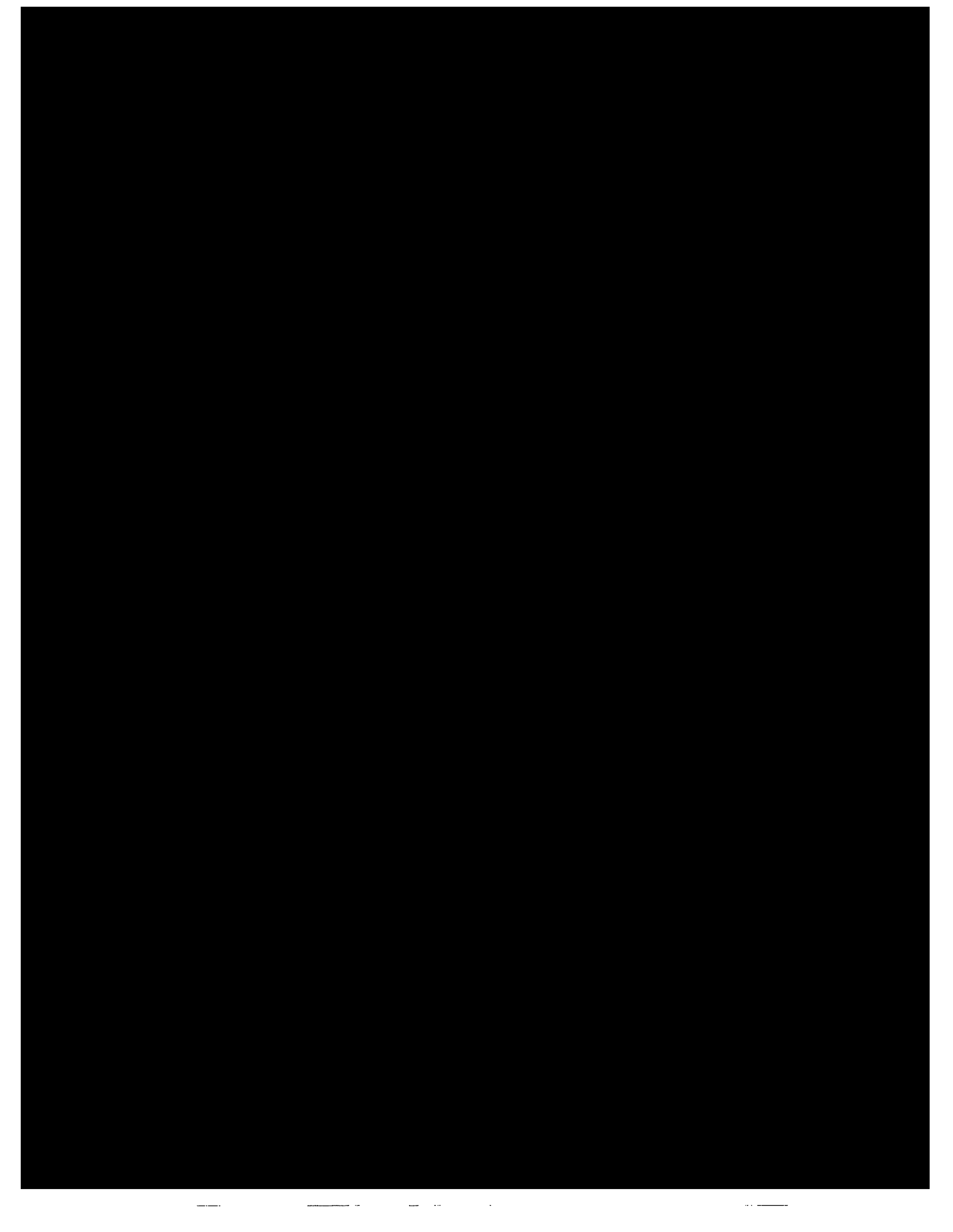
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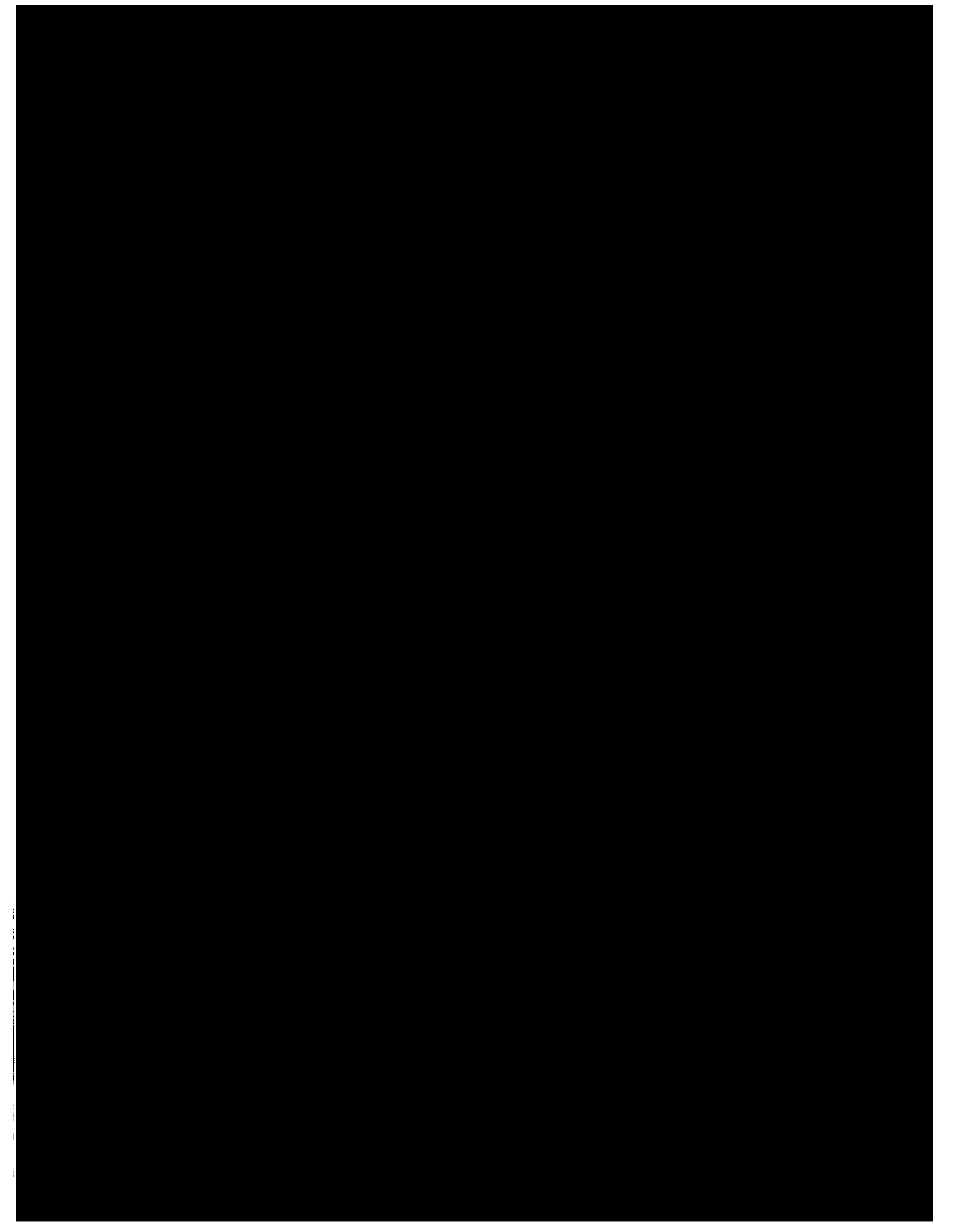
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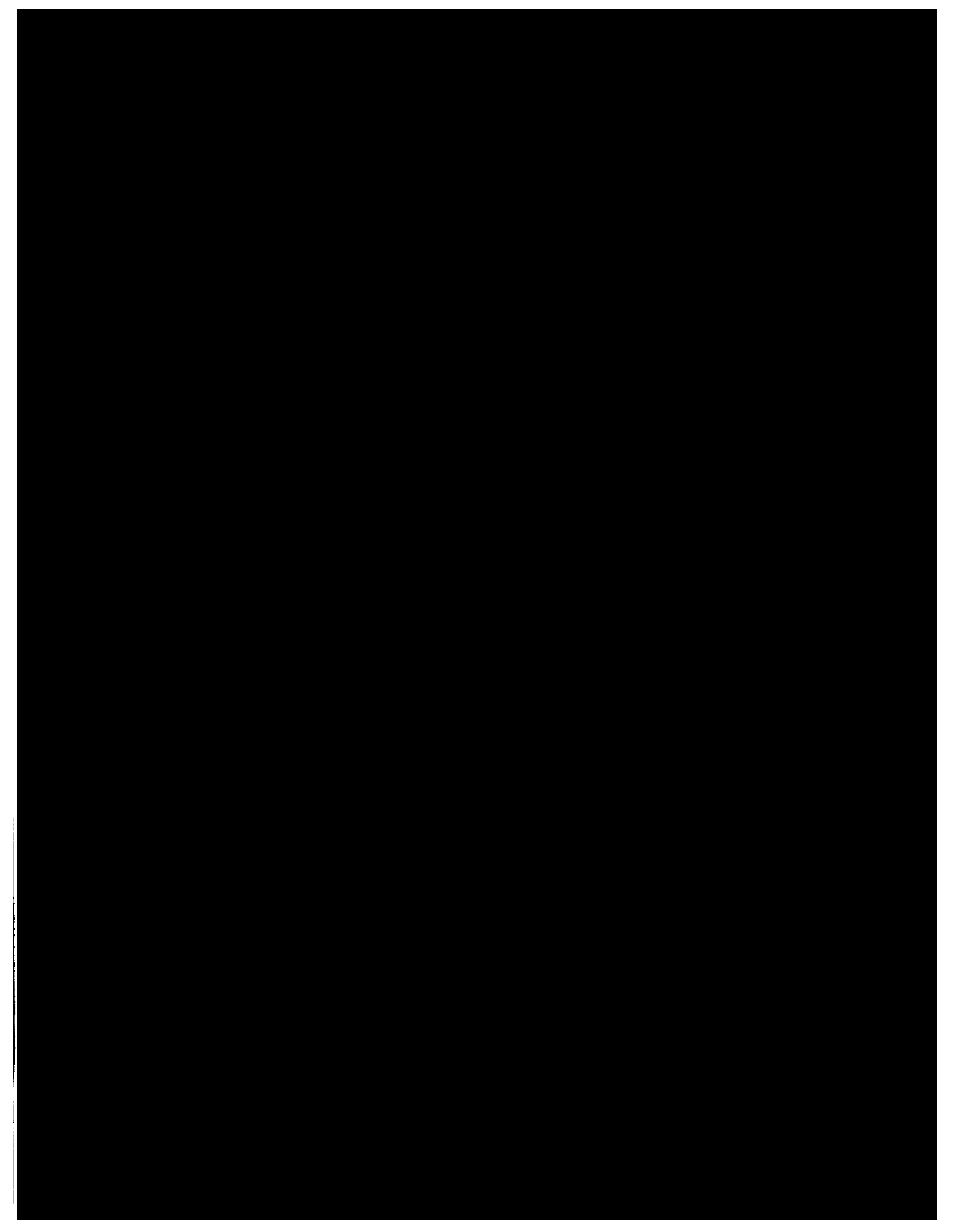
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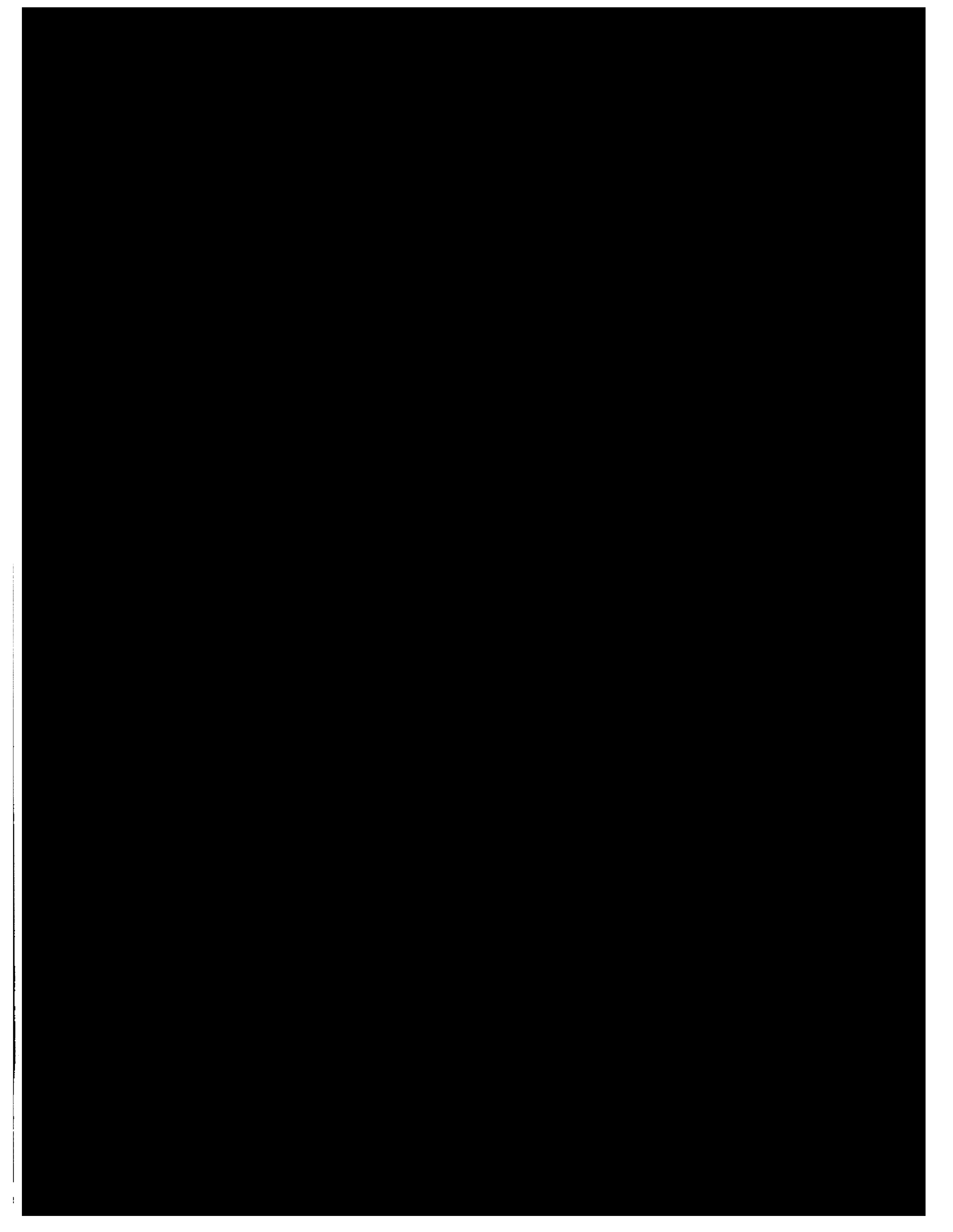




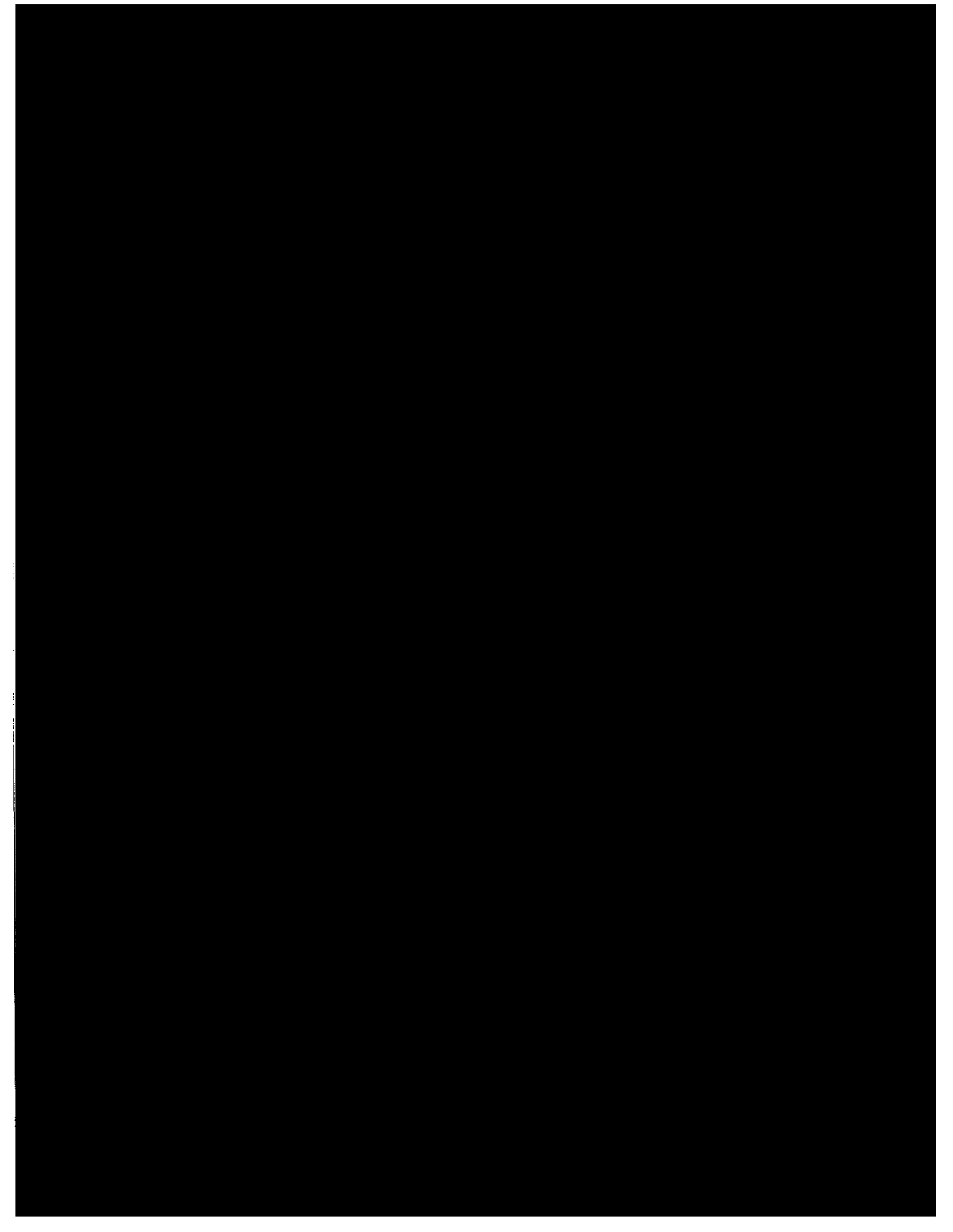
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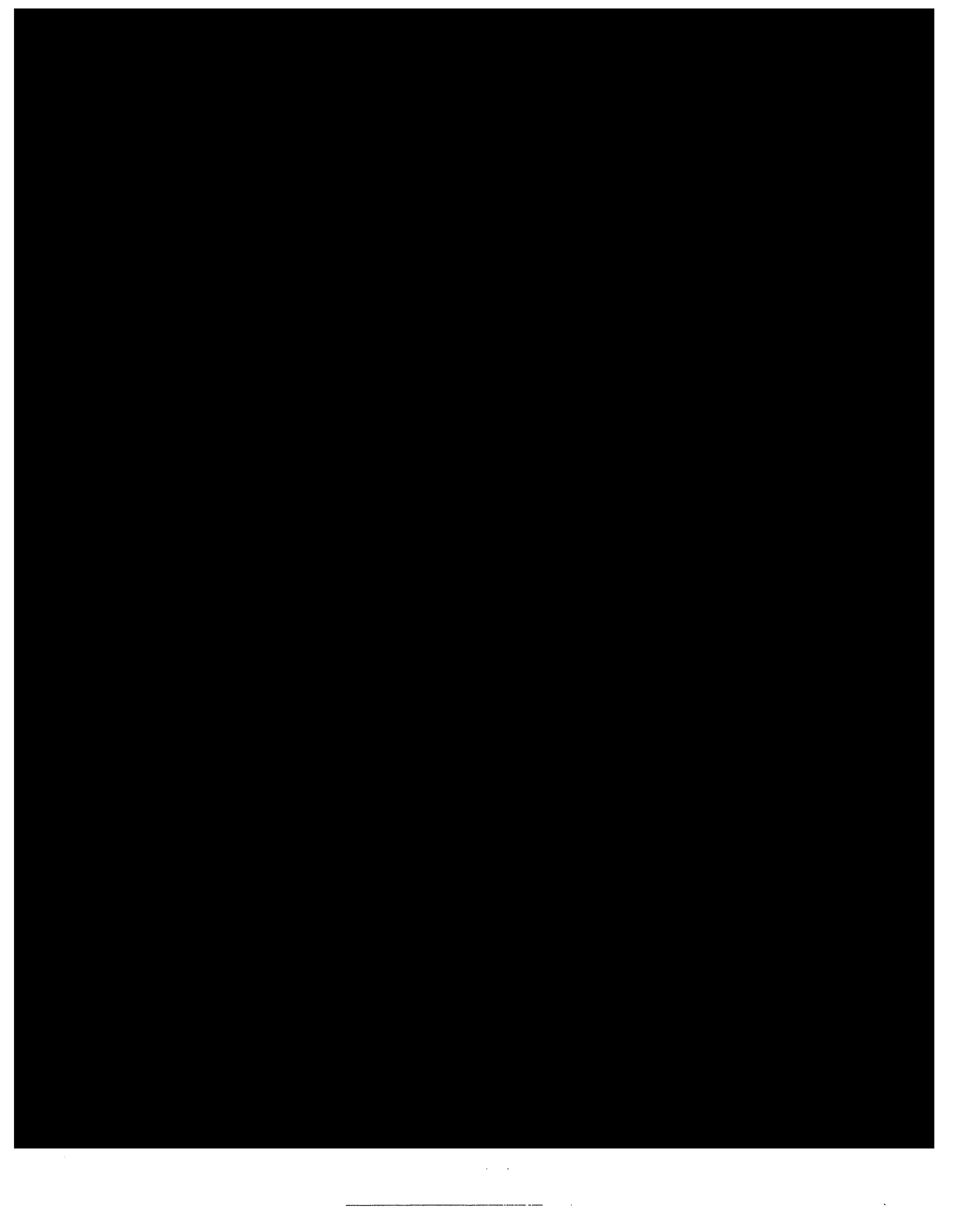
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EXHIBIT J



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

JANICE L. MAURIZI • Director

February 8, 2011

Captain David Smith
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File # 10-0839
L.A.S.D. File # 010-18948-2113-064

Dear Captain Smith:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the October 27, 2010, non-fatal shooting of [redacted] by Los Angeles County Sheriff's Deputy Gonzalo Inzunza. It is our conclusion that Deputy Inzunza acted in lawful self-defense and defense of others.

The following analysis is based on reports prepared by the Los Angeles County Sheriff's Department (LASD), submitted to this office on January 7, 2011, by Sergeants Barry Hall and Richard Biddle, LASD, Homicide Bureau. The District Attorney's Command Center was notified of the shooting on October 27, 2010, at approximately 10:55 a.m. The District Attorney Response Team, comprised of Deputy District Attorney Deborah Escobar and District Attorney Senior Investigator Andy Le, responded and was given a briefing and a walk-through of the scene. Deputy Inzunza provided a voluntary statement which was considered as part of this analysis.

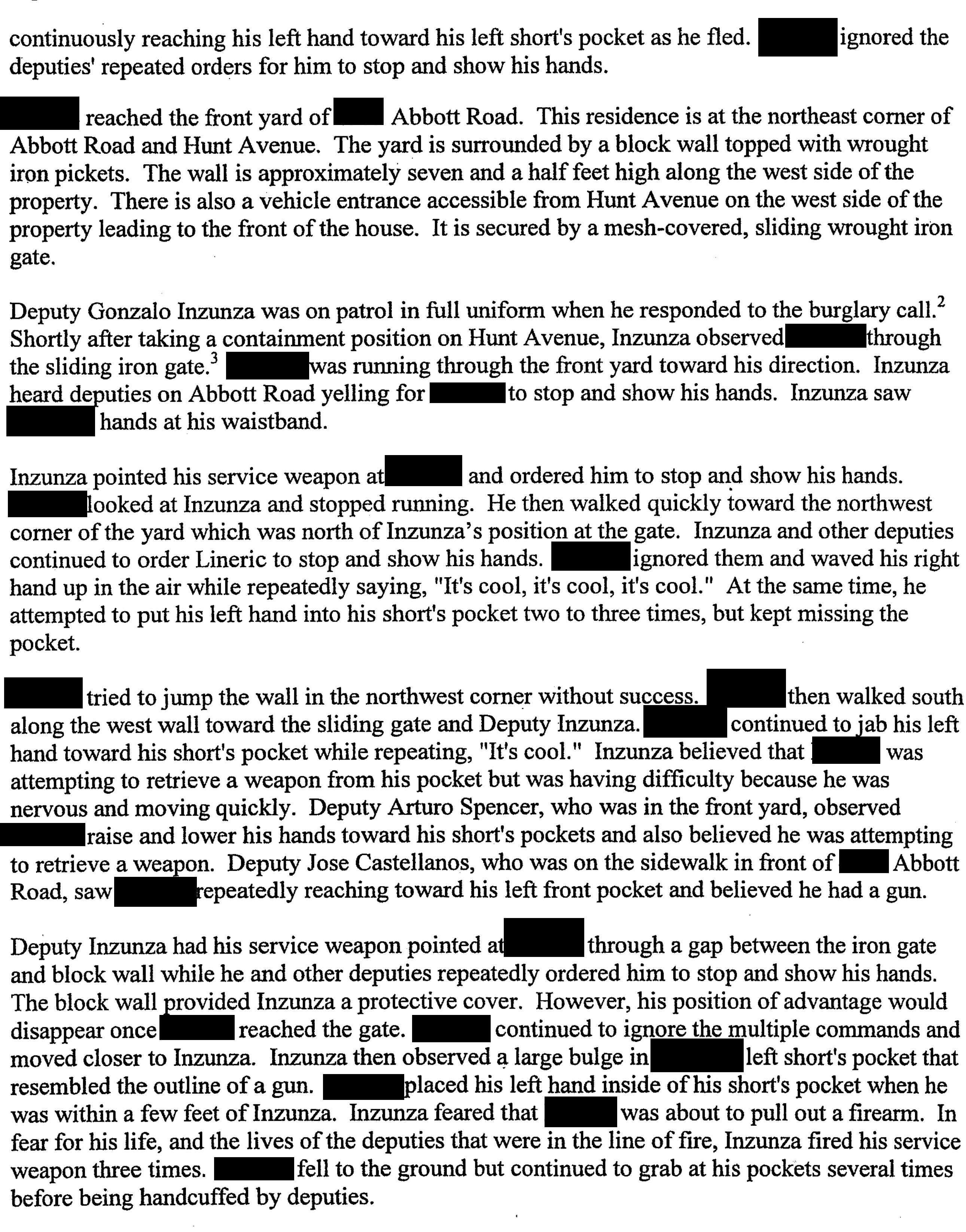
FACTUAL ANALYSIS

On October 27, 2010, at approximately 9:30 a.m., deputies responded to a burglary in progress call at [redacted] Abbott Road in the City of Lynwood. As deputies set up a perimeter around the location, [redacted] was observed exiting a rear window of the residence. [redacted] attempted to escape from the responding deputies by jumping fences into adjacent yards west of the location. He was wearing a sweatshirt and a pair of nylon basketball shorts. Deputies observed [redacted]

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1 [redacted] was seventeen years-old.

Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012-3210
(213) 974-3888



continuously reaching his left hand toward his left short's pocket as he fled. [redacted] ignored the deputies' repeated orders for him to stop and show his hands.

[redacted] reached the front yard of [redacted] Abbott Road. This residence is at the northeast corner of Abbott Road and Hunt Avenue. The yard is surrounded by a block wall topped with wrought iron pickets. The wall is approximately seven and a half feet high along the west side of the property. There is also a vehicle entrance accessible from Hunt Avenue on the west side of the property leading to the front of the house. It is secured by a mesh-covered, sliding wrought iron gate.

Deputy Gonzalo Inzunza was on patrol in full uniform when he responded to the burglary call.[2] Shortly after taking a containment position on Hunt Avenue, Inzunza observed [redacted] through the sliding iron gate.[3] [redacted] was running through the front yard toward his direction. Inzunza heard deputies on Abbott Road yelling for [redacted] to stop and show his hands. Inzunza saw [redacted] hands at his waistband.

Inzunza pointed his service weapon at [redacted] and ordered him to stop and show his hands. [redacted] looked at Inzunza and stopped running. He then walked quickly toward the northwest corner of the yard which was north of Inzunza's position at the gate. Inzunza and other deputies continued to order Lineric to stop and show his hands. [redacted] ignored them and waved his right hand up in the air while repeatedly saying, "It's cool, it's cool, it's cool." At the same time, he attempted to put his left hand into his short's pocket two to three times, but kept missing the pocket.

[redacted] tried to jump the wall in the northwest corner without success. [redacted] then walked south along the west wall toward the sliding gate and Deputy Inzunza. [redacted] continued to jab his left hand toward his short's pocket while repeating, "It's cool." Inzunza believed that [redacted] was attempting to retrieve a weapon from his pocket but was having difficulty because he was nervous and moving quickly. Deputy Arturo Spencer, who was in the front yard, observed [redacted] raise and lower his hands toward his short's pockets and also believed he was attempting to retrieve a weapon. Deputy Jose Castellanos, who was on the sidewalk in front of [redacted] Abbott Road, saw [redacted] repeatedly reaching toward his left front pocket and believed he had a gun.

Deputy Inzunza had his service weapon pointed at [redacted] through a gap between the iron gate and block wall while he and other deputies repeatedly ordered him to stop and show his hands. The block wall provided Inzunza a protective cover. However, his position of advantage would disappear once [redacted] reached the gate. [redacted] continued to ignore the multiple commands and moved closer to Inzunza. Inzunza then observed a large bulge in [redacted] left short's pocket that resembled the outline of a gun. [redacted] placed his left hand inside of his short's pocket when he was within a few feet of Inzunza. Inzunza feared that [redacted] was about to pull out a firearm. In fear for his life, and the lives of the deputies that were in the line of fire, Inzunza fired his service weapon three times. [redacted] fell to the ground but continued to grab at his pockets several times before being handcuffed by deputies.

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[2] Inzunza is regularly assigned to Century Station Detective Bureau.
[3] The gate was closed and was not opened until after the shooting.

[redacted] was transported to St. Francis Medical Center and treated for gunshot wounds to the abdomen, outside right thigh and right buttocks.

Other Evidence

The owner of [redacted] Abbott Road reported that $100 was missing from one bedroom and $20 to $40 was missing from a second bedroom. The left front pocket of [redacted] shorts contained a box-type package of gum, a plastic disposable lighter, a partially burned cigarette and thirty-five cents. The right front pocket contained $100 in U.S. currency and a pair of eyeglasses. The right rear pocket contained $46 in U.S. currency.

A soot mark created by a muzzle blast was observed on the north frame of the west metal gate. The mark is consistent with the discharge of a firearm with the muzzle in close proximity to the metal gate.

Mirandized Statement of [redacted]

[redacted] admitted to burglarizing the residence at [redacted] Abbott Road and taking $100 from a bedroom dresser. He claimed to have had $146.35 in his pockets before breaking into the home. He said he dropped the stolen money as he climbed out of the window.[4]

[redacted] stated that he initially ran from the deputies, but once he got to the last yard he stopped. He faced the deputy and put both hands in the air and said, "I quit." The deputy then shot him. He denied reaching into his pockets or doing anything else that would lead the deputy to believe that he was in danger.

[redacted]s Criminal History

At the time of the shooting, [redacted] was on juvenile probation [redacted] On October 26, 2010, he was [redacted] was charged for the residential burglary at [redacted] Abbott Road. On November 18, 2010, [redacted] pled [redacted].

CONCLUSION

California law permits the use of deadly force in self-defense or in defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed he or others were in imminent danger of great bodily injury or death. People v. Williams (1977) 75 Cal.App.3d 731; People v. Glover (1903) 141 Cal. 233; People v. Ortiz (1923) 63 Cal.App. 662.

The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of

[4] Deputies Castellanos and Marcello Curko observed [redacted] coming out of the window but never saw him drop any money. No money was recovered by the window.

reasonableness must embody allowance for the fact that police are often forced to make split-second judgments -- in circumstances that are tense, uncertain, and rapidly evolving -- about the amount of force that is necessary in a particular situation. Graham v. Conner, (1989) 490 U.S. 386, 396-397.

The evidence examined in this investigation shows that [redacted] attempted to evade arrest when he was caught in the act of committing a residential burglary. As [redacted] fled from deputies, he ignored repeated commands to stop running and to show his hands. Instead of showing his hands, he repeatedly attempted to put his left hand into his short's pocket. His actions caused numerous deputies to fear that they were dealing with an armed suspect. Moments before the shooting, Deputy Inzunza observed a bulge in the pocket that he believed was a gun. When [redacted] put his hand inside the pocket, it caused Inzunza to reasonably fear for his life, and the lives of his fellow deputies, and respond with deadly force.

We conclude that Deputy Gonzalo Inzunza acted in lawful self-defense and defense of others when he used deadly force against [redacted] We are therefore closing our file and will take no further action in this manner.

Very truly yours,

STEVE COOLEY
District Attorney

By *Deborah A. Escobar*

DEBORAH A. ESCOBAR
Deputy District Attorney
(213) 974-3888

c: Deputy Gonzalo Inzunza, [redacted]